

To: Enck, Judith[Enck.Judith@epa.gov]
Cc: Mears, Mary[Mears.Mary@epa.gov]; Benenati, Frank[benenati.frank@epa.gov]
From: Harrison, Melissa
Sent: Wed 8/31/2016 1:21:33 AM
Subject: Re: At Hoosick Falls hearings, Cuomo administration blames EPA

Thanks Judith-just pulled these too. Hope you can get some rest tonight.

MORE

By MARY ESCH, Associated Press

HOOSICK FALLS, N.Y. (AP) — The state followed federal guidelines in addressing industrial chemical contamination of a village's drinking water, but the Environmental Protection Agency gave "confusing, changing and inconsistent guidance," New York Health Commissioner Howard Zucker said Tuesday.

At a state Senate hearing on the state's handling of PFOA contamination of the municipal water supply in Hoosick Falls, Zucker said EPA guidelines on maximum levels of the Teflon-related chemical in drinking water are intended to trigger action to reduce it, not to warn against drinking the water.

Zucker made the comments when asked why his agency told Hoosick Falls residents no health impacts were expected from drinking municipal water even after tests showed levels of PFOA above 600 parts per trillion, well above the EPA's guideline of 400 ppt for short-term exposure.

He said his agency had a solution well underway when EPA Region 2 Administrator Judith Enck "out of left field" told residents not to drink the water in December 2015.

In a phone interview later Tuesday, Enck said her agency had been advising state health officials since October 2015 to tell Hoosick Falls residents not to drink or cook with their tap water. When state officials declined to do so, saying the 400 ppt had a "built-in margin of safety," Enck issued a do-not-drink advisory to residents with full cooperation of EPA officials in Washington, she said.

Hoosick Falls residents have accused Democratic Gov. Andrew Cuomo's administration of taking too long to warn them against drinking water contaminated with perfluorooctanoic acid, or PFOA, which was used for decades in the manufacture of Teflon and other nonstick coatings but was phased out after being linked to cancer and other ills.

The state Department of Environmental Conservation is holding St. Gobain Performance Plastics and its plant's predecessor, Honeywell International, liable for cleanup costs in the upstate New York community, including installing temporary filtration systems and developing a new water supply.

On Tuesday, DEC and the Health Department sent a letter to EPA Administrator Gina McCarthy

requesting that the agency reimburse New York state for any costs incurred for the Hoosick Falls cleanup not ultimately paid by the polluters, saying "changing, conflicting guidance" from EPA about PFOA resulted in "undue public confusion and the marshaling of unprecedented state resources."

The letter referred to the fact that EPA had set a level for short-term exposure to PFOA of 400 ppt in 2009 and issued a long-term exposure level of 70 ppt in May 2016. While the long-term exposure level was being finalized, EPA advised cleanup efforts in New York to set a target of no more than 100 ppt.

"EPA had a very transparent process over five years that the drinking water level was going to be revised," Enck said. "It's unclear why that would have resulted in the state of New York incurring additional costs."

Enck noted that the Superfund law says the polluter, not federal taxpayers, must pay for the full cost of cleanup.

The contamination was uncovered in 2014 by Michael Hickey, a resident concerned about his village's perceived high cancer rate. In emotional testimony at Tuesday's hearing, Hickey talked of his father's death from kidney cancer after 32 years of working at the village plastics factory. He said it took "a simple Google search" for him to learn about PFOA's link to kidney cancer, and it shouldn't have taken so long for officials to warn people about the chemical in their water.

"They were in the wrong," Hoosick Falls resident Laura Peabody said after Zucker's testimony. "They weren't on top of it in the beginning. They didn't have answers for us. They left us in a frenzy, and that's not OK."

<http://thehill.com/policy/energy-environment/293880-new-york-officials-epa-counterproductive-in-water-crisis>

New York officials: EPA 'counterproductive' in water crisis

New York state officials claim the Environmental Protection Agency (EPA) has been "counterproductive" in its response to a drinking water contamination crisis in an upstate town.

In a Tuesday [letter](#), a pair of officials appointed by Gov. Andrew Cuomo (D) accused the EPA of causing confusion in its guidances regarding perfluorooctanoic acid (PFOA), which has been found in elevated levels in the Hoosick Falls drinking water and has been linked to cancer and other serious illnesses.

"While we always try to work in partnership with the federal government, the [EPA's] role in the Hoosick Falls situation was certainly not helpful, and was, at times, counterproductive," Health Commissioner Howard Zucker and Environmental Commissioner Basil Seggos wrote to EPA head [Gina McCarthy](#).

The commissioners claimed that the EPA's shifting guidance on the point at which PFOE levels become dangerous aggravated the situation.

“The statements and guidance from the EPA’s regional office inexplicably differed from town to town in New York — not to mention from state to state. To further compound this confusion, the guidance from the EPA’s regional office differed from the EPA’s headquarters,” they said.

Judith Enck, the EPA administrator for the region that includes New York, pushed back against the accusations.

“That’s not accurate. There was no confusion, there was disagreement,” Enck told The Hill.

She went on to say that the EPA changed its PFOA guidelines this year, but the process was very transparent, and state officials were well aware.

The EPA set a provisional level of safe lifetime exposure to PFOA in drinking water at 400 parts per trillion in 2009, according to the [New York Times](#). In May of this year, the agency set a lifetime standard at 70 parts per trillion. The commissioners say in their letter that in January of this year, the EPA issued local guidance setting the level at 100 parts per trillion.

On Tuesday, the New York state Senate held a hearing in Hoosick Falls to investigate state and federal responses to PFOA, an industrial chemical used in nearby plants that manufacture products such as Teflon.

The crisis developed around the same time as the lead contamination crisis in Flint, Mich., which spurred new national attention on drinking water safety.

The state officials repeated their arguments in their testimony, with Seggos saying the EPA “made the situation worse,” according to the [Albany Times-Union](#).

But the Cuomo administration has also been under fire, particularly for what some local and state leaders saw as a slow response to the crisis, the Times-Union said. The administration frequently pushed back against the EPA’s recommendations to take stronger action to protect the town’s residents.

In their Tuesday letter, the New York officials asked the EPA to reimburse the state for the at least \$50 million it expects to spend due to the EPA’s “mishandling” of the crisis.

Enck said that’s not a proper role for the EPA and that all of the pollution clean-up costs should be incurred by the parties who are deemed responsible for the pollution.

“We expect the polluter to pick up these costs, and not federal taxpayers,” she said. “I’m a little surprised that New York State may be throwing in the towel so early in trying to get the polluter to cover these costs.”

Senators were disappointed that the EPA did not send a representative to the Tuesday hearing.

Instead, Enck submitted written testimony, defending the EPA's actions and promising to stick with the state and Hoosick Falls throughout the process.

In addition to New York's state legislature, the United States House Oversight Committee is investigating the Hoosick Falls crisis and the responses of state and federal officials.

<http://blog.timesunion.com/capitol/archives/266871/epas-enck-state-doh-wasnt-confused-about-pfoa-safety-levels-they-simply-disagreed/>

EPA's Enck: State DOH wasn't confused about PFOA safety levels, they simply disagreed

Judith Enck, administrator for the EPA's Region 2, told the Times Union on Tuesday the federal agency had a health advisory in place since 2009 recommending that PFOA in water supplies not exceed 400 parts per trillion for short-term exposure, which would be weeks or months. The initial tests in Hoosick Falls showed five of the village's six wells exceeded that limit, and many were above 600 ppt.

"So when I first learned of the exceedence we had multiple conversations (in 2015) with the state Health Department where they made a judgment not to follow the existing number of 400 ppt," Enck said as the state Senate was holding a hearing on the contamination at Hoosick Falls High School. "They said today there was a built-in margin of safety and they didn't need to follow it. ... The health department wasn't confused, they just simply disagreed."

The EPA ultimately issued an advisory against use of the water in December 2015, which DOH subsequently fell in line with.

Enck also said the state's request — announced just prior to the hearing — that it wants the EPA to reimburse New York for more than \$25 million the state has spent to deal with the water crisis is misplaced.

Enck said the purpose of the Superfund laws are to make sure the polluters pay, not taxpayers, and that New York is signaling it's already giving up on its efforts to recoup those costs.

"The Superfund law requires that the identified polluters pay the full costs," she

said. "I'd hate to think the state of New York is already throwing in the towel if they have costs they can't get covered."

Neither Enck nor any other EPA official appeared at the hearing, though the agency submitted a statement laying out its actions responding to the crisis.

Update: Scott Reif, spokesman for the Senate Republican majority, criticized Enck for speaking out to the Times Union in lieu of appearing at the hearing.

"It's pretty disingenuous for the EPA to be responding blow-by-blow to what is happening at the Senate's hearing on Hoosick Falls when they repeatedly declined our invitation to come and testify," Reif said. "This was the venue for the EPA to clarify its position and have a serious and honest dialogue with state Senators exploring ways to prevent this from happening again. Instead, they didn't show up. How does that help us achieve a positive result?"

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On Aug 30, 2016, at 9:18 PM, Enck, Judith <Enck.Judith@epa.gov> wrote:

We will send you the full packet in the morning. This hardline is typical

Subject: At Hoosick Falls hearings, Cuomo administration blames EPA

<http://www.politico.com/states/new-york/albany/story/2016/08/at-hearings-cuomo-administration-places-hoosick-falls-blame-on-epa-105069>